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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,965	05/16/2005	Scott Allan Kendall	PU020454	3630
24498 7590 01/27/2010 Robert D. Shedd, Patent Operations THOMSON Licensing LLC P.O. Box 5312 Princeton, NJ 08543-5312				
EXAMINER				
SHELEHEDA, JAMES R				
ART UNIT		PAPER NUMBER		
2424				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,965

Applicant(s)

KENDALL ET AL.

Examiner

JAMES SHELEHEDA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,11,13-15,21 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,11,13-15,21 and 23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/13/09 have been fully considered but they are not persuasive.

On pages 6-7, applicant argues that neither Leung or Ganzer disclose "enabling a user to provided updated information comprising location information associated with the emergency alert function responsive to detecting said power interruption."

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In this case, Leung discloses a television receiving apparatus which allows a user to enter information regarding their preferences for system settings (such as parental control settings; paragraph 103-104). Responsive to the power interruption, the user is alerted to the power loss (paragraph 159 and 169) and enabled to provide updated information (enabling the user to reenter all of the settings lost due to the power interruption; paragraph 103-104 and paragraph 129-169).

Ganzer discloses a television receiving apparatus having an emergency alert function (column 2, lines 15-55) which allows a user to enter system setting information

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for a emergency alert function comprising location information and update the information as needed (column 4, lines 54-69 and column 8, line 51-column 9, line 24).

Thus, the **combination** of Leung and Ganzer disclose the claimed apparatus which detects a power interruption (Leung), notifies the user of the power interruption (Leung) and enables the user to provide updated information responsive to the power interruption (Leung), the updated information comprising location information for an emergency alert function (Ganzer). Therefore, applicant's arguments aren't convincing as the combination of Leung and Ganzer clearly meet the current broad claim language.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4, 11, 13, 14, 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung et al. (Leung) (US 2002/0095673 A1) (of record) in view of Ganzer et al. (Ganzer) (5,121,430) (of record).

As to claim 1, while Leung discloses a method for controlling an apparatus having functions (paragraph 103-104 and paragraphs 159-169), comprising:

detecting power interruption to said apparatus (paragraph 159-169);

enabling an output to notify a user responsive to detecting said power interruption (paragraph 169); and

enabling a user to provide updated information associated with said function responsive to detecting said power interruption (reentry of the cleared control functions; paragraph 103-104 and paragraphs 159-169), he fails to specifically disclose an emergency alert function and information comprising location information.

In an analogous art, Ganzer discloses an apparatus having an emergency alert function (column 2, lines 15-55) which allows a user to select enter emergency alert information comprising location information they desire and update the information as needed (column 4, lines 54-69 and column 8, line 51-column 9, line 24) for the typical benefit of providing users with emergency alert information which is relevant to the user's actual geographic area (column 2, lines 7-12).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Leung's system to include an emergency alert function and information including location information, as taught in combination with Ganzer, for the typical benefit of providing users with emergency alert information which is relevant to the user's actual geographic area.

As to claims 11 and 21, while Leung discloses a television having a function (paragraph 103-104 and paragraphs 159-169), comprising:

tuning means for tuning signals (Fig. 3, 24);

processing means (Fig. 3; 32) for detecting a power interruption to said apparatus (paragraph 159-169), and for enabling an output to notify a user responsive to detecting said power interruption (paragraph 169); and

enabling a user to provide updated information associated with said function responsive to detecting said power interruption (reentry of the cleared control functions; paragraph 103-104 and paragraphs 159-169), he fails to specifically disclose the tuner tuning to emergency alert signals capable of activating an emergency alert function and information comprising location information.

In an analogous art, Ganzer discloses an apparatus having an emergency alert function (column 2, lines 15-55) which allows a user to select enter emergency alert information they desire and update the information as needed (column 4, lines 54-69 and column 8, line 51-column 9, line 24) and which will then monitor incoming signals to activate the emergency function at the appropriate time (column 4, line 50-column 5, line 20) for the typical benefit of providing users with emergency alert information which is relevant to the user's actual geographic area (column 2, lines 7-12).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Leung's system to include the tuner tuning to emergency alert signals capable of activating an emergency alert function and information comprising location information, as taught in combination with Ganzer, for the typical benefit of providing users with emergency alert information which is relevant to the user's actual geographic area.

As to claims 3, 13 and 23, while Leung and Ganzer disclose location information (see Ganzer at column 4, line 50-column 5, line 20), he fails to specifically disclose a FIPS location code.

The examiner takes Official Notice that it was notoriously well known in art at the time of invention by applicant to utilize FIPS location codes when providing location specific messages to receivers for the typical benefit of utilizing an established, widely known standard for messaging.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Leung and Ganzer's system to include FIPS locations codes for the typical benefit of utilizing an established, widely known standard for providing location information.

As to claims 4, 14 and 24, Leung and Ganzer disclose wherein said updated information includes a type of emergency event (column 8, line 62-column 9, line 23).

4. Claims 5, 15, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung and Ganzer and further in view of Hayes (4,718,107).

As to claims 5, 15 and 25, while Leung and Ganzer discloses detecting said power interruption and volatile memory (see Leung at paragraph 159-169), they fail to specifically disclose detecting a duration of said power interruption.

In an analogous art, Hayes discloses a television receiver which will store information within a volatile memory (column 2, line 49-column 3, line 5) which will detect the duration of a power interruption by providing a backup power supply for a limited duration of time (column 2, line 49-column 3, line 5) and indicating a power failure if the duration exceeds the duration of the backup power supply (column 2, line

49-column 3, line 5) for the typical benefit of reducing the effects of a limited loss of power by protecting against power interruptions of a certain duration (column 2, line 49-column 3, line 5).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Leung and Ganzer's system to include detecting a duration of said power interruption, as taught by Hayes, for the typical benefit of reducing the effects of a limited loss of power by protecting against power interruptions of a certain duration.

As to claim 26, Leung, Ganzer and Hayes disclose wherein said power interruption is detected if said duration exceeds a predetermined time period (see Lau at column 6, line 27-column 7, line 34 and column 4, lines 30-54).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

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Signature: _____

Registration Number: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES SHELEHEDA whose telephone number is (571)272-7357. The examiner can normally be reached on Monday - Friday, 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Sheleheda/
Primary Examiner, Art Unit 2424

JS